

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEFFREY HILL, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SPIRIT HALLOWEEN
SUPERSTORES LLC, a foreign
limited liability company; and DOES 1-
20, as yet unknown Washington
entities,

Defendants.

24-01644 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the Notice of Removal and the attached exhibits, docket no. 1, the Court is not satisfied that it has subject-matter jurisdiction pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d). CAFA requires that an action removed from state court involve a class with at least 100 putative members, that at least one plaintiff is diverse in citizenship from any defendant, and that the aggregate amount in controversy exceeds \$5 million. *See Moliga v. Qdoba Restaurant Corp.*, No. 23-CV-1084, 2023 WL 5013439, at *4 (W.D. Wash. Aug. 7, 2023). The removing party has the burden of overcoming the strong presumption against removal jurisdiction by establishing that the CAFA criteria are met. *See Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F. App’x 62, 64 (9th Cir. 2011). With regard to the amount in controversy, Defendant asserts that the maximum in potential statutory damages (\$5,000) may be aggregated by class member, as opposed to statutory violation, and contends that

1 the approximately more than 1,000 individuals who applied during the period from
2 January 1, 2023, to September 5, 2024, for job openings in Washington would be entitled
3 to at least \$5,000,000. *See* Notice of Removal, pgs. 6-7 (docket no. 1). Defendant
4 provides no authority for interpreting the statute to authorize the calculation of class
damages in this manner. Defendant is DIRECTED to file by November 8, 2024, a
supplement to the Notice of Removal addressing whether the Court has CAFA
jurisdiction.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

Dated this 30th day of October, 2024.

7
8 Ravi Subramanian
Clerk

9 s/Laurie Cuaresma
10 Deputy Clerk